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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,352	08/29/2001	Michael F. Angelo	1662-40800 (P01-3609)	7091
23505	7590	12/15/2004	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			BROWN, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/942,352	ANGELO, MICHAEL F.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher J Brown	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 August 2002.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-64 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-64 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 08/09/2002.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 28-31, and 37-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Gennaro US 6,317,834.**

As per claims 28, 41 and 52, Gennaro teaches using a biometric access system to control access to a computer device in a computer system, (Col 1 lines 57-62). Gennaro teaches using a biometric sensor to obtain a biometric sample, (Col 4 lines 60-66). Gennaro teaches authenticating a user to permit access to a computer, (Col 2 lines 16-20).

As per claims 29, 42, and 53, Gennaro teaches using a fingerprint as biometric data, (Col 4 line 65).

As per claims 30, 43 and 54, Gennaro teaches using an iris as biometric data, (Col 4 line 65).

As per claims 31, 38, 49, 51, 60, and 62, Gennaro teaches that the computer device is a storage device, (database), (Col 4 lines 50-56).

As per claim 37, Gennaro teaches the software authorizing the user accesses the computer components, (Col 2 lines 6-20).

As per claim 39, Gennaro teaches associating a person with use of a computer, (Col 2 lines 4-9).

As per claim 40, Gennaro teaches acquiring a biometric image from a person and associating a security access code with said biometric image, (Col 1 lines 63-66).

As per claim 44, Gennaro teaches allowing access based on the biometric reading, (Col 2 lines 15-21).

As per claim 45, Gennaro teaches if the biometric reading does not match, preventing access, (Col 4 lines 50-55).

As per claims 46, and 57, Gennaro teaches a registry of biometric templates, (Col 2 lines 1-6).

As per claims 47, and 58, Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

As per claims 48, 55, and 59, Gennaro teaches permitting access to a computer device once the person is authenticated, (Col 2 lines 19-20).

As per claims 50, 56, and 61, Gennaro teaches that the system does not authenticate the person, no access is allowed, (Col 4 lines 50-56).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 5-12, 14, 17-20, 22, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerick US 6,418,014 in view of Swinger US 6,349,825.**

As per claims 1, 11, and 19, Emerick teaches an anti-theft system for protecting electronic equipment, including computer components, (Col 3 lines 10-23, Fig 1a).

Emerick teaches said anti-theft system teaches a lock for preventing components being removed, (Col 5 lines 6-56). Emerick does not teach biometric access.

Swinger teaches biometric access to a physical lock protecting a laptop, (Col 5 lines 35-48). Swinger teaches that a fingerprint may be used to open said lock, (Col 5 line 36). It would have been obvious to one of ordinary skill in the art to modify the lock system of Emerick with the biometric access of Swinger, because the biometric access of swinger increases security.

As per claims 2, 12, and 20, Swinger teaches using a fingerprint as biometric data, (Col 5 line 36).

As per claims 5, 17 and 25 Swinger teaches unlocking said lock upon proper biometric authorization, (Col 5 lines 43-48).

As per claims 6-9 Emerick teaches using the physical lock with a variety of electronic components, including racks of electronic components, (Col 3 lines 9-22, Fig 1-13).

As per claims 10, 18, and 26 Swinger teaches maintaining a lock if a person is not successfully verified, (Col 5 lines 43-48).

As per claims 14 and 22, Swinger teaches an electromechanical lock, (Col 5 lines 35-40).

As per claim 27, Emerick teaches said lock is associated with a plurality of computer components, (Fig 9, Fig 11), thus the biometric sensor associated with said lock is associated with a plurality of computer components.

**Claims 3, 13, 15, 16 and 21, 23, 24, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerick US 6,418,014 in view of Swinger US 6,349,825 in view of Gennaro US 6,317,834.**

As per claims 3, 13 and 21, the previous Emerick-Swinger combination teaches biometrics, but does not teach iris identification.

Gennaro teaches using an iris as biometric data, (Col 4 line 65).

It would be obvious to one of ordinary skill in the art to use iris data to access the lock of the Emerick-Swinger combination because it allows multiple biometric access methods.

As per claims 15, 16, 23, and 24 the previous Emerick-Swinger combination does not disclose a biometric template.

As per claims 15, and 23, Gennaro teaches a registry of biometric templates, (Col 2 lines 1-6).

As per claims 16, and 24, Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

It would have been obvious to one of ordinary skill in the art to incorporate the template with the biometric lock of Emerick-Swinger so that the lock could be accessed by a plurality of biometrically authorized users.

As per claim 64, Emerick teaches an anti-theft system for protecting electronic equipment, including computer components, (Col 3 lines 10-23, Fig 1a). Emerick teaches said anti-theft system teaches a lock for preventing components being removed, (Col 5 lines 6-56). Emerick does not teach biometric access.

Swinger teaches biometric access to a physical lock protecting a laptop, (Col 5 lines 35-48). Swinger teaches that a fingerprint may be used to open said lock, (Col 5 line 36). It would have been obvious to one of ordinary skill in the art to modify the lock system of

Emerick with the biometric access of Swinger, because the biometric access of swinger increases security.

Gennaro teaches using a biometric access system to control access to a computer device in a computer system, (Col 1 lines 57-62). Gennaro teaches using a biometric sensor to obtain a biometric sample, (Col 4 lines 60-66). Gennaro teaches authenticating a user to permit access to a computer, (Col 2 lines 16-20).

It would have been obvious to one of ordinary skill in the art to add the data security of Gennaro to the physical security of the Emerick-Swinger combination to prevent theft of not only a computer, but also the contents within said computer (data).

**Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emerick US 6,418,014 in view of Swinger US 6,349,825 in view of O'Connor US 5,812,356.**

As per claim 4, the previous Emerick-Swinger combination does not teach an electromagnetic lock.

O'Connor teaches using an electromagnetic lock to secure a computer, (Col 2 lines 45-55. Col 3 lines 46-51).

It would have been obvious to one of ordinary skill in the art to use an electromagnetic lock in the system of the previous Emerick-Swinger combination because it is possible to lock down smaller portable PCs, which may not be able to use physical locks, (O'Connor Col 2 lines 5-15)

**Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gennaro US 6,317,834 in view of Jones US 5,144,659.**

As per claims 32-34, Gennaro does not teach read/write access modes.

Jones teaches that security system privileges include read and write modes, (Col 4 lines 16-22). It would have been obvious to one of ordinary skill in the art to include read and write modes in the security system of Gennaro, because it allows the system administrator more flexibility in access policy.

**Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gennaro US 6,317,834 in view of Hayman US 5,859,966.**

Gennaro teaches access to a database, Gennaro does not teach hard drives or Cd-roms. Hayman teaches that databases are found on both hard drives and cd-roms, (Col 10 lines 5-10). It would have been obvious to one of ordinary skill in the art to put the database of Gennaro on the hard drive or cd-rom of Hayman because these are universal PC storage devices.

**Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gennaro US 6,317,834 in view of Kawan US 2001/0049785**

Gennaro fails to teach using multiple biometric readings.

Kawan teaches using more than one biometric reading [0012].

It would have been obvious to one skilled in the art to use multiple biometric readings of Kawan with the system of Gennaro to enhance security.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

11/30/04

